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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,464	03/16/2004	Debora Margaret Hejza Litwiller	A3557-US-NP	3203
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BASCH & NICKERSON LLP				
1777 PENFIELD ROAD				
PENFIELD, NY 14526				
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PARKER, BRANDON				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/801,464

Applicant(s)

LITWILLER, DEBORA MARGARET
HEJZA

Examiner

Brandon Parker

Art Unit

2174

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 15 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/David A Wiley/
Supervisory Patent Examiner, Art Unit 2174

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding independent claims,

Examiner respectfully disagrees. Frederiksen illustrates a numerical value in Figure 1 associated with a user selected variable. Applicant argues that this value is not associated with the user, however Frederiksen teaches that the document size is selectable by a user (col.1 lines 65-67, col.3 lines 15-19). Furthermore, Frederiksen's auto-detect feature allows for the automatic sensors to perform a determined detection of the document size, while still allowing the user to over-ride the auto-detection by selecting the desired size, thus the first and second numerical values of the claim are satisfied by the auto-detection sensors and by the user's selection of the desired size which is further satisfied by the user's ability to scale the original document size to another size, wherein the original size suffices as one value and the scaled size desired by the user is the second value (col.3 lines 1-62). The annotated message Applicant refers to is fulfilled by F's teaching of the document size indicators such as "letter" and "ledger" along with other document settings visual on the feedback control panel display such as "document size, number of sides", page type and page orientation" which provides orientation indicators as well as graphical icons (col.3 line 55-col.4 line 10, col.4 lines 37-52).

Applicant argues Frederiksen fails to anticipate displaying on the user interface a first numeric value associated with a user selected variable value feature. In response, Frederiksen specifically shows the document size (i.e. first numeric value) is detected or selected (i.e. a user selected variable value feature) (Col. 3 lines 55-57) as shown on reference item 34, Fig. 1 of the Drawing.

Applicant argues Frederiksen fails to show displaying no annotated message when it is determined that the displayed second numeric value associated with the selected variable value feature has no associated annotation message. N. In response, Frederiksen discloses a selected size selector override for inputting a selected size different from the auto-detected suggestion and resultant for placing a document (Col. 1 lines 53-56, Col. 3 lines 9-19). cte that Frederiksen discloses multiple numeric values and multiple selected variable value features in Fig. 1 of the Drawing. Frederiksen discloses the size (i.e. numeric value) of the is displayed in block 52 of Fig. 1 of the Drawing, (Col. 3 lines 29-39), the the size (i.e. numeric value) is associated with the enlarge and reduce button (i.e. variable value feature) and there is no annotated message shown as shown with the graphical document image (i.e. first numeric value) on reference item, 64, Fig. 1 of the Drawing ("LEDGER") but instead only the size is displayed by the reference item 52 (i.e. a second numeric value) with no annotated message.

Furthermore, applicant argues to explain how reference item 64 of Figure 1 can be both the claimed displayed first numeric value and an annotated message associated with the displayed second value. In response, Frederiksen discloses two graphical document images both referenced as 64. As shown in Fig. 1, both referece items have a corresponding annotated message above the graphical image labeled "LETTER" and "LEDGER".

Regarding dependent claims: Frederiksen achieves the claim language for engaging a user activateable area of the user interface associated with the user selected magnification function, by teaching that size of the copy image may be enlarge or reduced (col.3 lines 33-37), which are obvious magnification modes and fuctions; while also teaching the ability to shift, crop, mask, scale and adjust the images brightness/contrast of the image using buttons (col.3 lines 30-39).